



COMMONWEALTH OF MASSACHUSETTS
**Board of Registration
of
Hazardous Waste Site Cleanup Professionals**

MINUTES
of
BOARD MEETING
Held on
May 15, 2012

Meeting Location: MassDEP Headquarters
One Winter Street
Boston, MA

Prepared by: T. Wood
[Approved: July 26, 2012]

List of Documents Used at the Meeting:

1. Agenda
2. Draft Minutes of Meeting held on March 27, 2012
3. Report from recent quasi-judicial session
4. Draft license application denial letter
5. Application dockets
6. Renewal dockets
7. Memo from Terry Wood to the Board regarding possible regulation amendments with attachments
8. Memos regarding document destruction
9. Two versions of draft vacancy notice re: LSP Board labor slot
10. Draft roles and responsibilities document

1. **Call to Order:** Elizabeth Callahan called the meeting to order at 3:44 p.m. The other Board members present were Gail Batchelder, Deborah Farnsworth, Kirk Franklin, Jack Guswa, Christophe Henry, Debra Listernick, Robert Luhrs, Kelley Race, and Farooq Siddique. The LSP Board staff members present were Lynn Read, Beverly Coles-Roby, Al Wyman and Terry Wood. Also present were Wendy Rundle, the Executive Director of the LSP Association (LSPA), and Wes Stimpson.
2. **Announcements:** None.
3. **Agenda:** There were no changes to the agenda.
4. **Minutes:** The Board reviewed the draft minutes of the meeting of the Board held on March 27, 2012. The Board members discussed Section 10. B. of the draft minutes that

related to a change in the sign-in procedures at the UMass Soils Conference. Some members who were not in attendance at the March meeting raised potential concerns about what, if any, effect changing the sign-in procedures might have on an LSP's experience at the conference. After discussion, the Board members directed Mr. Wyman to talk to the administrators for the UMass Soils Conference and report back next month. After discussion, a motion was made and seconded to approve the draft minutes with one minor edit. The motion was approved unanimously.

5. **Report from Recent Quasi-Judicial Session:** The staff requested and received the Board's unanimous consent to publish in the minutes of this meeting the following report from a previous quasi-judicial session of the Board.

Administrative Consent Order Re: Disciplinary Action 11C-05

At a quasi-judicial session held on February 13, 2012, Ms. Read, acting as the Board's attorney on this matter, presented the terms of a proposed agreement for discipline that, if approved, would resolve this disciplinary action prior to the issuance of an Order to Show Cause. During the presentation, the LSP's name was not disclosed.

The members of the Board who participated were as follows: Elizabeth Callahan, Gail Batchelder, Deborah Farnsworth, Kirk Franklin, Jack Guswa, Christophe Henry, Debra Listernick, Robert Luhrs, and Kelley Race. Farooq Siddique did not participate. Ms. Roby from the Board's staff was also present. No one else was present.

The Board members discussed the language of a proposed ACO that would state that the LSP agreed to voluntarily surrender his license and agree never to reapply.

At the conclusion of this discussion, a motion was made and seconded to approve the proposed agreement for discipline.

The motion was approved unanimously with a vote of nine to zero.

Thereafter, on February 23, 2012, the Respondent LSP signed an Administrative Consent Order in which he agreed to terms set forth in the Board's vote. The LSP voluntarily surrendered his license on March 2, 2012.

Throughout this discussion, the Respondent LSP's name was kept confidential. Now that this Complaint has been resolved, the LSP's name, Thomas Woodard, is being made public.

6. **Decisions Regarding Licensing of Applicants:** The staff presented the following Application Dockets:

New Application Docket Number 1:

ID #	Applicant Name/Company Name	ARP #	REC.
8848	Jedd S. Steinglass/Credere Associates, Inc. in ME	242	D

A motion was made and seconded to accept the recommendation from Application Review Panel #242, i.e., that the application submitted by Mr. Steinglass be denied and that he be found ineligible to take the exam. The motion was approved unanimously.

New Application Docket Number 2:

ID #	Applicant Name/Company Name	ARP #	REC.
6232	Andrew P. Lunn/Groundwater and Environmental Services, Inc.	243	A
8450	Michael J. Cronan/Haley and Aldrich, Inc.	243	A

Mr. Henry, Ms. Listernick and Mr. Siddique were recused and left the room. A motion was made and seconded to accept the recommendations from Application Review Panel #243, i.e., that the applications submitted by Mr. Lunn and Mr. Cronan be approved and that they be found eligible to take the exam. The motion was approved unanimously.

New Application Docket Number 3:

ID #	Applicant Name/Company Name	ARP #	REC.
3319	James J. Collins/Shaw Environmental and Infrastructure Group	244	A
1254	Mark A. Lovejoy/ Roux Associates, Inc.	244	A

A motion was made and seconded to accept the recommendations from Application Review Panel #244, i.e., that the applications submitted by Mr. Collins and Mr. Lovejoy be approved and that they be found eligible to take the exam. The motion was approved unanimously.

7. **License Renewal Applications:**

A. **Renewal Dockets.** The staff presented the following License Renewal Dockets:

Renewal Docket #1
Renewal Date: April 30, 2012
New Renewal Date: April 30, 2015
 Has completed all requirements for renewal:

LSP #	First	Middle	Last
1957	Walter	B.	Hermenau
2028	John		Niedzielski
3117	Andrew	D.	Walker
3195	Paul	P.	Ozarowski
3427	Donald		Maggioli
3484	Mark	C.	Ensign
3675	Reginald	H.	Achilles
3904	Adam	J.	Last
3978	Scott	E.	VanderSea
4275	Bruce		Tease
4725	Joel	J.	Trifilo
4948	Matthew	T.	Maddey
5171	Elizabeth	C.	Casey
5211	Marc	J.	Richards
5586	Francis	M.	Ricciardi
5723	Eric	M.	Johnson
6301	Charles		Castelluccio
7716	Richard	K.	Quateman
7903	David	J.	Hazebrouck
8110	Felix	A.	Perriello
8815	Kenneth		Gendron
9126	Timothy	F.	Keane
9145	Paul		McKinlay
9347	Andrew		Stead
9367	Stephen	S.	Boynton
9605	Susan		O'Brien
9654	Michael	E.	Billa

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LSP #	First	Middle	Last
9844	Neal	M.	Drawas
9857	Alexandra		Riddle
9985	James		Greacen

Renewal Docket #2

Renewal Date: January 30, 2012

New Renewal Date: January 30, 2015

Completed requirements within 90-day extension:

LSP #	Last Name	First Name
9755	Feshbach-Meriney	Paul

Renewal Docket #3

Renewal Date: April 1, 2012

New Renewal Date: April 30, 2015

LSP returned to active status after suspension and completed renewal requirements:

LSP #	Last Name	First Name
2347	Jaffe	Daniel

Renewal Docket #4

Renewal Date: April 30, 2012

New Renewal Date: July 29, 2012

Have requested a 90-day extension:

LSP #	LSP Name
4994	James O'Loughlin
1955	Christopher McDermott

Renewal Docket #5

Old Renewal Date: July 30, 2011

New Renewal Date: April 30, 2015

License expired on July 30, 2011 for lack of credits. Individual has completed renewal requirements within 1-year deadline and is now eligible for active status:

LSP #	LSP Name
4587	Barbara Riley

Renewal Docket #6
Old Renewal Date: April 30, 2011
New Renewal Date: July 30, 2015

License expired on April 30, 2011 for lack of credits.
Individual has completed renewal requirements within
1-year deadline and is now eligible for active status:

LSP #	LSP Name
3335	Robert I. Patten

8. Other Licensing-Related Matters:

- A. New Panel Assignments and Scheduling.** No new application panels were assigned.
- B. Appeals Status Report.** Ms. Wood reported that there are no pending appeals regarding the Board's denial of a license application.
- C. Inactive Status Report.** The staff reported that a total of 6 LSPs are currently on Inactive Status. The staff reported:
- Effective March 28, 2012, Debra Z. Howell (#2349) returned to active status; and
 - Effective the close of business on April 20, 2012, Benjamin Frothingham (#9392) was placed on inactive status.
- D. License Renewal/Reinstatement after Suspension.** The staff reported, effective April 1, 2012, Daniel Jaffe's (#2347) disciplinary suspension ended and he successfully renewed his license.
- E. Total Number of Active LSPs.** The staff reported that the total number of Active LSPs as of the date of this meeting was 541.

9. Examinations:

- A. Dates of Next Exam:** The staff report that the dates for the next administration of the exam are June 6, 20 and 27.
- B. Discussion re: reconvening exam subcommittee.** The Board members stated that they would discuss who should work on the exam subcommittee at the next meeting in July 2012. Ms. Rundle said that it is anticipated that the LSPA's technical

practices committee will have completed a draft case study for consideration by the Board by approximately the middle of June. The case study could potentially be used in updated versions of the exam. Ms. Batchelder stated it would be helpful if the Board's staff could update the exam statistics regarding the pass/fail rate of the individual questions on the exam. Ms. Wood stated that she has updated those statistics for the exams administered to date.

At 3:13 p.m., the Board halted the Board meeting to reopen the Continuing Education portion of the meeting.

At approximately 3:47 p.m., the Board resumed the Board meeting.

10. Continuing Education Committee Report:

A. Course and Conference Approval Requests. Mr. Henry reported that the Committee had met earlier in the day and had the following course recommendations to present to the full Board:

Sponsor: Battelle

Course Title: *Eighth International Conference on Remediation and Chlorinated and Recalcitrant Compounds*

Credits Requested: 2:1 Non-DEP Technical Credits

Committee Recommendation: **Approve.**

Sponsor: MassDEP

Course Title: *MCP Representativeness Evaluations & Data Usability Assessments*

Credits Requested: 2 DEP Regulatory Credits (This course has been previously approved. Presenter is requesting approval of a change in instructor.)

Committee Recommendation: **Approve.**

Sponsor: NEWMOA

Course Title: *In-Situ Thermal Remediation*

Credits Requested: 5.5 Non-DEP Technical Credits

Committee Recommendation: **Approve.**

A motion was made and seconded to accept the Committee's recommendations. The motion was approved unanimously.

B. Other Business

Request for clarification whether the upcoming LSPA Seminar entitled *Vapor Intrusion for LSPs: Investigation, Sampling and Mitigation*, previously

numbered 1371, should have a new number due to potential updated course content. Mr. Wyman stated that Mr. Henry has requested clarification whether the upcoming LSPA Seminar, which has been taught previously as approved course 1371, would discuss the new vapor intrusion guidance to a degree that would justify giving the course a new number. Mr. Wyman stated that he had contacted the LSPA with this question and the LSPA responded that the course would not deal with the new vapor intrusion guidance and, therefore, it should be assigned a new number.

11. **Professional Conduct Committee:** Since all the Board members present at this meeting were also present at the meeting of the Professional Conduct Committee held earlier in the day, the Board agreed to forego a Committee report.
12. **Personnel, Budget, and Fees**
 - A. **Personnel.** The staff reported no personnel changes.
 - B. **Budget.** Ms. Coles-Roby stated that the legislature was currently debating the state budget.
13. **Status of Board Member Replacements by Governor:** Ms. Coles-Roby passed out a draft vacancy notice regarding the open labor slot. Ms. Coles-Roby then passed out a second more updated version of the vacancy notice. The Board members and staff suggested edits.
14. **Other Business**
 - A. **Update from LSP Course Subcommittee.** The Board members stated that they would discuss reconvening the LSP course subcommittee at the next Board meeting. Some Board members suggested that a new Board course could possibly be prepared for the UMass soils conference in the fall. Ms. Callahan stated that she will join the subcommittee.
 - B. **Discussion regarding potential regulatory changes.** Ms. Callahan noted that she had received a call from Executive Office and Energy and the Environment regarding the governor's initiative to reform rules and regulations where practicable to benefit small business. Considering the other matters on the agenda still to be discussed, the Board members suggested that Ms. Wood e-mail a word version of her draft regulation amendments out to the Board for review and comment. Once Ms. Wood receives edits, she will prepare a new draft memo that incorporates them for discussion at the next Board meeting.
 - C. **Staff Member Roles and Responsibilities.** Ms. Coles-Roby stated that she had prepared a memo outlining each staff member's role and responsibilities as the Board had requested at the previous meeting. She passed out a draft of the document but collected the draft after errors were discovered in it. She stated she would send a

new version to the Board via e-mail. The Board tabled further discussion of the topic until next meeting.

D. Review memo re: document destruction. Board members asked for confirmation from Mr. Wyman that the documents he had identified for destruction had already been scanned so that they all exist in digital format. Mr. Wyman confirmed that digital versions all of the documents do exist. He also explained that destruction of the documents requires Board approval and then also requires a request to the state's Records Conservation Board ("RCB"). Mr. Wyman asked the Board to consider making a motion to approve the staff to both submit a request to the RCB and also to recycle the identified documents once the staff receives RCB approval. After some discussion, a motion was made and seconded to approve the staff to both submit a request to the RCB and to recycle the identified documents after receiving RCB approval. The motion passed unanimously.

E. Topic for the next LSP News. The Board suggested that the staff prepare an article regarding a recent Superior Court decision that affirmed the Board's Final Order in a disciplinary case.

15. Scheduling of Next Meeting: The Board plans to next meet on July 26, 2012 at a specific location to be determined.

16. Enter Executive Session: A motion was made and seconded that the Board enter Executive Session for the purpose of reviewing the minutes of the March 27, 2012 Executive Session and thereafter to adjourn and not return to public session. The motion was approved 10-0 on a roll-call vote. Ms. Callahan conducted a roll-call vote. Each member present voted as follows:

Ms. Batchelder	Aye	Ms. Listernick	Aye
Ms. Callahan	Aye	Mr. Luhrs	Aye
Mr. Henry	Aye	Ms. Race	Aye
Ms. Farnsworth	Aye	Mr. Siddique	Aye
Mr. Franklin	Aye		
Mr. Guswa	Aye		

At approximately 3:49 p.m., the Board entered into Executive Session.